

To the Town Council of Zionsville,

This letter is in regards to our basketball hoop installed in the cul-de sac in front of our home at 900 Tillson Drive.

To address some of the concerns and questions listed on our the denial of our encroachment agreement:

- 1) Although we understand the argument that “From a safety aspect, we do not recommend the town acknowledge any public roadway, regardless of traffic volume, as appropriate places for play activities. The tacit or express permission to use public streets as play areas may expose the town to additional liabilities.” **This does not apply to all situations. There is a basketball goal installed in the cul de sac at Raven Ridge Road and appear to have been there for some time. Pictures are included in this document. This neighborhood is very similar to ours (very small, older and no HOA.) Seeing this goal is what in fact inspired us to put a goal in the cul de sac in front of our home. The presence of that goal seemed to indicate that it was allowed within Zionsville. We checked in with our neighbor who is a long time resident of Zionsville and head of our informal HOA. He was not aware either of any issues with the goal. We respect the rules and would never have put in the hoop if we didn’t think it was allowed. Because we lacked an HOA, we didn’t believe there was any more to do. In addition, our street was very recently repaved so risk of injury from pavement within the next few years seems extremely unlikely.**
- 2) In terms of this concern: “Operationally, encroachments such as this further restrict limited spaces to plow and stockpile snow. This location, as with most cul-de-sac ends, is already limited in snow placement options due to driveways, mailboxes, and other physical restrictions. This encroachment will decrease efficiency and expediency when it comes to plowing streets, and as the upper backboard assembly and rim likely protrude out over the street, may restrict, or hinder turning movements for larger trucks such as trash, leaf collection, and deliveries.” **In planning the installation, we specifically set the hoop far enough back from the street to not impede any trucks, etc. It is 6 feet from the curb with all of this in mind (see pictures). The hoop can be removed and replaced from its stand and/or raised to its highest height (2-4 feet above regulation) to make the minute chance even less likely. However, during the large and recent snowfall, we had no issues with the snow plows or removal. Additionally, in the time that the hoop has be in use, there have been zero instances of trash trucks, buses, ploughs etc colliding with the the hop. The cul de sac, as a result of the large lots we have here, is a large space so there is ample room for vehicle turning. Pictures are attached to show the hoop location and cul de sac size. It appears larger than the cul de sac at Raven Ridge.**
- 3) “The tacit or express permission to use public streets as play areas may expose the town to additional liabilities. This not only includes the potential for a vehicle-pedestrian collision, but also could lead to a personal injury claim due to the condition or maintenance of the pavement.” **Our neighborhoroughood is a very quiet one street setting with just 14 houses, we have no sidewalks. Without sidewalks in any neighborhood, the understanding is certainly that streets will be used as play areas (roller skating, skateboarding and bike riding by children) and certainly are.**

-We understand the concerns and if the Street Department would re-consider allowing the encroachment, we would be willing to make accommodations as requested such as the following and/or more as determined by the council:

-We could remove the goal completely in 4 years time when our 2 children will be off to college (when our children will be older) OR when and if we sell our home before that time.

-We could ensure that goal is removed when we move from our home and not transferred to new owner.

We could remove the goal in winter months.

We could have anyone who uses the goal (neighbors and friends) sign a waiver exempted any liability to the city of Zionsville.

We could put up signs “children at play”when kids are playing at the goal or permanently. A few of our neighbors already use these signs.



